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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,) 3:17-CR-048-HDM-(WGC)
9 Plaintiff,)
10 v.) Preliminary Order of Forfeiture
11 DANIEL O'BRIEN,)
12 Defendant.)

13 This Court finds that defendant DANIEL O'BRIEN pled guilty to Count One of a One-
14 Count Superseding Information charging him with Distribution of Child Pornography in
15 violation of Title 18, United States Code, Section 2252A(a)(2). Superseding Information, ECF
16 No. 27; Plea Agreement, ECF No. 29; Change of Plea, ECF No. 31.

17 This Court finds defendant DANIEL O'BRIEN agreed to the forfeiture of the property
18 set forth in the Plea Agreement and the Forfeiture Provision of the Superseding Information.
19 Superseding Information, ECF No. 27; Plea Agreement, ECF No. 29; Change of Plea, ECF No.
20 31.

21 This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of
22 America has shown the requisite nexus between property set forth in the Plea Agreement and the
23 Forfeiture Provision of the Superseding Information and the offense to which defendant
24 DANIEL O'BRIEN pled guilty.

25 The following property is subject to forfeiture pursuant to Title 18, United States Code,
26 Section 2253:

- 1 1. ZTE Cellular phone, model Z930L (IMEI: 860371021004274) and
- 2 2. Desktop Computer containing Seagate ST340014A 40GB Hard Drive, SN
- 3 0XECC350067107E

4 (all of which constitutes property).

5 This Court finds the United States of America is now entitled to, and should, reduce the
6 aforementioned property to the possession of the United States of America.

7 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that
8 the United States of America should seize the aforementioned property.

9 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest
10 of DANIEL O'BRIEN in the aforementioned property is forfeited and is vested in the United
11 States of America and shall be safely held by the United States of America until further order of
12 the Court.

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of
14 America shall publish for at least thirty (30) consecutive days on the official internet government
15 forfeiture website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited
16 property, state the time under the applicable statute when a petition contesting the forfeiture must
17 be filed, and state the name and contact information for the government attorney to be served
18 with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code,
19 Section 853(n)(2).

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or
21 entity who claims an interest in the aforementioned property must file a petition for a hearing to
22 adjudicate the validity of the petitioner's alleged interest in the property, which petition shall be
23 signed by the petitioner under penalty of perjury pursuant to Title 21, United States Code,
24 Section 853(n)(3) and Title 28, United States Code, Section 1746, and shall set forth the nature
25 and extent of the petitioner's right, title, or interest in the forfeited property and any additional
26 facts supporting the petitioner's petition and the relief sought.

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be
2 filed with the Clerk of the Court, Bruce R. Thompson U.S. Courthouse and Federal Building,
3 400 South Virginia Street, 3rd Floor, Reno, NV 89501, no later than thirty (30) days after the
4 notice is sent or, if direct notice was not sent, no later than sixty (60) days after the first day of
5 the publication on the official internet government forfeiture site, www.forfeiture.gov.

6 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if
7 any, shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at
8 the following address at the time of filing:

9 Greg Addington
10 Assistant United States Attorney
11 100 West Liberty Street, Suite 600
12 Reno, NV 89501

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described
13 herein need not be published in the event a Declaration of Forfeiture is issued by the appropriate
14 agency following publication of notice of seizure and intent to administratively forfeit the above-
15 described property.

16 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send copies
17 of this Order to all counsel of record.

18 Dated this 2nd day of October, 2017.

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22 UNITED STATES DISTRICT JUDGE
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